
HOUSE BILL No. 1700

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-9.5-3-4.

Synopsis: Housing for older persons. Conforms Indiana law to federal law by: (1) repealing a requirement that in order to qualify as housing for older persons under fair housing law a housing facility must provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and (2) allowing a housing facility to verify occupancy by older persons using reliable surveys and affidavits.

Effective: July 1, 2003.

Murphy, Day

January 21, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1700

A BILL FOR AN ACT to amend the Indiana Code concerning civil rights.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-9.5-3-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) As used in this
3 section, "housing for older persons" means housing that the
4 commission determines is:

5 (1) specifically designed and operated to assist elderly persons
6 under a federal or state program;

7 (2) intended for and solely occupied by persons at least sixty-two
8 (62) years of age; or

9 (3) intended and operated for occupancy by ~~at least one (1) person~~
10 **persons** at least fifty-five (55) years of age ~~in each unit. if the~~
11 **provisions of subsection (c) are met.**

12 (b) Housing ~~that includes units that are unoccupied or that are~~
13 ~~occupied by persons who do not meet the age requirements of~~
14 ~~subsection (a)(2) or (a)(3)~~ does not fail to meet the requirements for
15 housing for older persons if:

16 (1) the unoccupied units are reserved for persons who meet the
17 age requirements of subsection (a)(2) or (a)(3); or



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(2) the occupants who do not meet the age requirements of subsection (a)(2) or (a)(3) have resided in the housing since September 13, 1988, or an earlier date, and the persons who became occupants after September 13, 1988, meet the age requirements of subsection (a)(2) or (a)(3).

(c) ~~The civil rights commission shall adopt rules under IC 4-22-2 to establish criteria for making determinations under subsection (a):~~ **These rules To be considered housing for older persons under subsection (a)(3), a housing facility or community must include at least meet the following provisions:**

~~(1) Except as provided in subdivision (2); the housing must provide significant facilities and services specifically designed to meet the physical or social needs of older persons:~~

~~(2) If the provision of the facilities and services described in subdivision (1) is not practicable; the housing must be necessary to provide important housing opportunities for older persons:~~

~~(3) (1) At least eighty percent (80%) of the occupied units must be are occupied by at least one (1) person who is at least fifty-five (55) years of age.~~

~~(4) (2) The owner or manager of the housing must publish facility or community publishes and adhere adheres to policies and procedures that demonstrate an intent by the owner or manager to provide operate housing for persons who are at least fifty-five (55) years of age.~~

(3) The housing facility or community complies with rules adopted by the civil rights commission under IC 4-22-2 for verification of occupancy that:

(A) provide for verification by reliable surveys and affidavits; and

(B) include examples of the types of policies and procedures relevant to determine compliance with subdivision (2).

(d) The surveys and affidavits used to verify occupancy under subsection (c)(3)(A) are admissible in an administrative or a judicial proceeding to verify occupancy.

(e) The provisions of IC 22-9.5-1-2 relating to familial status do not apply to housing for older persons.

SECTION 2. [EFFECTIVE JULY 1, 2003] 910 IAC 2-4-5 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code.

SECTION 3. [EFFECTIVE JULY 1, 2003] (a) Before December



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- 1 31, 2003, the civil rights commission shall adopt rules under
2 IC 4-22-2 to implement IC 22-9.5-3-4, as amended by this act.
3 (b) This SECTION expires January 1, 2004.

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